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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40539-2025

Date of decision: 04.08.2025

Sahil

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. N.S. Lucky, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.166 dated 06.04.2025 under Sections 304(2)/331/317(2) of BNS registered at Police Station Goindwal Sahib, District Tarn Taran.

Succinctly, the facts of the case are that on 05.04.2025, the mother of the complainant was sitting at the shop and being holiday, the complainant had also came to the shop and getting the plaster work of the roof of shop done. Thereafter, at around 01:30 P.M., when the mother of the complainant was sitting alone in the shop, one clean shaven man entered into the shop and asked her for a cold drink and when his mother about to get up to hand over the cold drink, the said person suddenly snatched the gold earrings from her ears weighing about 03 grams. When his mother raised alarm and the complainant came down, the accused person ran out of the shop and thus, the present case.

Learned counsel for the petitioner *inter alia* contends that there is a delay of 01 day in the registration of the FIR (*supra*) which creates serious doubt on the case set up by the prosecution. Further, the Investigating Officer



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has not collected any evidence to prove the identity of the petitioner as an assailant. The petitioner has been falsely implicated in the present case and the same is duly established that after the arrest of the petitioner in the FIR (*supra*), he has been nominated as an accused in one FIR registered in the year 2023. Investigation of the case is complete. Prior to the registration of the FIR, the petitioner was not involved in any other case. The petitioner has undergone actual custody of more than 04 months and till date, out of total 10 prosecution witnesses, none has been examined.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there are serious and specific allegations against the petitioner and his complicity is duly established. Further, the gold ornament which was snatched from the complainant was recovered pursuant to the disclosure statement made by the accused and his presence is also sought by way of production warrants in one more case.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the

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record of the case, it transpires that the petitioner is behind the bars since 07.04.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 10 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Sahil is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

04.08.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No